

ASSISTANT ENGINEERS IN THE NAVY.

APRIL 13, 1860.—Ordered to be printed.

Mr. MORSE, from the Committee on Naval Affairs, made the following

REPORT.

The Committee on Naval Affairs, to whom was referred the petition of certain first and second assistant engineers in the navy of the United States for retrospective pay, corresponding with their retroactive assigned rank, report as follows :

The petitioners belong to a class of officers who are entitled to examination and promotion after a certain length of actual service, and if the period prescribed expires while they are absent upon this service, the law provides that if afterwards examined and passed, their rank shall bear even date with that of their class who may have been examined and promoted in their absence. These petitioners are nine in number; two of them, being second assistant engineers, do not come within the category named, none of their class having been examined while they were absent. It appears, upon inquiry at the department, that of the other seven only one had served the prescribed period, which is five years, and this one had only passed the period by one month when examined; the others had served: one less than three years, two less than four, and the others less than five; so that they are not entitled to examination, and consequent promotion, but were examined by the indulgence of the department.

But the petitioners ask that all assistant engineers who have been, or may hereafter be, promoted shall receive the increased pay appertaining to such promotion from the date of their rank instead of the time when they receive their commissions.

It appears upon examination that there has been heretofore a conflicting practice at the department upon this subject, and the matter has been passed upon in various forms by the following Attorneys General, viz: Mr. Wirt in 1826, Mr. Legaré in 1842, Mr. Clifford in 1847, and Mr. Cushing in 1853, all agreeing that retroactive rank does not draw after it retrospective pay. But the petitioners allege that both the Navy and War Departments give this retrospective pay. It seems, however, that special cases are excepted, embracing passed assistant surgeons, first and second assistant engineers, and passed midshipmen, and the committee think that such exceptions are properly made. The committee report adversely to the prayer of the petitioners.

ASSISTANT ENGINEERS IN THE NAVY

APRIL 15, 1867—Submitted to the Senate

Mr. Messrs. from the Committee on Naval Affairs, reads the following

REPORT

The Committee on Naval Affairs, to whom was referred the petition of certain first and second assistant engineers in the navy of the United States for retroactive pay, respectfully submit their report as follows:

The petitioners belong to a class of officers who are entitled to examination and promotion after a certain length of actual service, and if the period prescribed expires while they are absent upon the sea, the law provides that if officers who are examined and passed, their rank shall bear over date with that of their peers who may have been examined and promoted in their absence. These petitioners are also in number; two of them being second assistant engineers, do not come within the category named, none of their rank having been examined while they were absent. It appears, upon inquiry at the department, that of the eight men only one had served the prescribed period, which is five years, and this one had only passed the prescribed month when examined; the others had served one less than three years, two less than four, and the others less than five; so that they are not entitled to examination and subsequent promotion, but were examined by the department at the department.

But the petitioners ask that all assistant engineers who have been or may hereafter be promoted shall receive the increased pay appertaining to such promotion from the date of their rank instead of the time when they receive their commissions.

It appears upon examination that there has been heretofore a conflicting practice at the department upon this subject, and the matter has been passed upon in various forms by the following Attorneys General, viz: Mr. Welles in 1842, Mr. Leake in 1845, Mr. Clifford in 1847, and Mr. Cushing in 1850, all agreeing that retroactive rank does not draw after it retroactive pay, that the petitioners allege that both the Navy and War Departments give the retroactive pay. It seems, however, that several cases are excepted, embracing passed assistant surgeons, first and second assistant engineers, and passed midshipmen, and the committee think that such exceptions are properly made. The committee report adversely to the prayer of the petitioners.